

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NAISHA JOHNSON and  
LEONARD JOHNSON

Plaintiffs,

Vs.

Civil Action No.

UNITED STATES OF AMERICA

Defendant.

**COMPLAINT**

COME now Plaintiffs, by and through their attorney, and for their cause of action against Defendant United States of America (“USA”) hereby state as follows:

**PARTIES AND JURISDICTION**

1. This is a proceeding pursuant to the provisions of 28 U.S.C 2401(b); jurisdiction being vested pursuant to 28 U.S.C. § 1331.
2. Plaintiffs are residents of St. Louis City, Missouri.

**Count I**

3. At all times relevant hereto, Plaintiffs were the owners of a 2012 Hyundai Sonata (“Plaintiffs’ vehicle”).
4. That on or about April 2, 2019, Leonard Johnson was operating Plaintiffs’ vehicle on southbound 14<sup>th</sup> Street approaching a “roundabout” intersection with Park Avenue in St. Louis City, Missouri.
5. Prior to entering the “roundabout,” Mr. Johnson saw a vehicle, owned by the Department of Veterans Affairs (“VA”), being operated by Elizabeth Garibay.

6. The VA vehicle was stopped in the northbound lane of 14<sup>th</sup> Street and was adjacent to Plaintiffs' vehicle.
7. Mr. Johnson then proceeded into the "roundabout" and passed the first and second exits prior to merging on to eastbound Park Avenue.
8. As Mr. Johnson was about to proceed on eastbound Park Avenue, the VA vehicle was moving in reverse across the lanes of Park Avenue and struck the driver's side Plaintiffs' vehicle.
9. At all times relevant hereto, Ms. Garibay had a duty to operate the VA vehicle while exercising the highest degree of care.
10. That at said time and place, Mr. Garibay breached said duty and was negligent, careless, and reckless in one or more of the following respects:
  - a. She failed to keep a proper lookout;
  - b. She operated her motor vehicle at a speed greater than was reasonable and proper having regard to the traffic and the use of the way, and at a speed to endanger persons and property rightfully present;
  - c. She failed to keep her motor vehicle under sufficient and proper control;
  - d. She made an improper and unlawful lane change;
  - e. She failed to keep a careful and diligent lookout ahead, behind, laterally and failed to pay proper attention to the operation and progress of surrounding traffic;
  - f. She failed to observe what was readily observable and obvious;
  - g. She failed to keep a careful lookout and failed to keep her vehicle under control;
  - h. She acted in a manner when she knew, or should have known, in the exercise of reasonable care, that her actions would result in the vehicles colliding;

- i. She failed to yield the right of way;
  - j. She knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped, or swerved, or slackened speed, or sounded a warning, or slackened speed and swerved, or slackened speed and sounded a warning, or swerved and sounded a warning, but failed to do so; and/or
  - k. She acted in manner that was otherwise careless, reckless and negligent in the operation of her vehicle.
11. One or more of the above acts of negligence by Ms. Garibay were a proximate and/or direct cause of the aforesaid collision and of Plaintiffs' monetary damages related to the damage to Plaintiffs' vehicle and other recoverable expenses in the current amount of \$2579.11.
12. At all times relevant hereto, Ms. Garibay was an employee of the Government and acting within the scope of her employment.

WHEREFORE, Plaintiffs prays for judgment against the Defendant in an amount less than \$25,000.00, plus costs and any further relief this Court deems just and proper.

**MCMAHON HILL, LLC**

**/s/ Michael B. Hill**  
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